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Attorneys for Defendant
University of the Pacific

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

VINEY SAROYA, Individually and on behalf
of all others similarly situated,

Plaintiff,

v.

UNIVERSITY OF THE PACIFIC,

Defendant.

Case No.: 5:20-cv-03196-EJD

*[Assigned to the Hon. Edward J. Davila,
United States District Judge]*

**DEFENDANT UNIVERSITY OF THE
PACIFIC'S OBJECTION TO
PLAINTIFF'S NOTICE OF
SUPPLEMENTAL AUTHORITY**

Hearing Date: November 19, 2020

Time: 9:00 a.m.

Courtroom: 4

Judge: Hon. Edward J. Davila

Action Filed: May 10, 2020

Trial Date: TBD

1 Defendant University of the Pacific (“Pacific”) hereby objects to Plaintiff’s November 5,
2 2020 Notice of Supplemental Authority (Dkt. 40), which attaches an order from the Southern
3 District of Florida issued October 31, 2020, *Rosado v. Barry Univ., Inc.*, Case No. 20-CV-21813-
4 JEM (S.D. Fla. Oct. 31, 2020). As an initial matter, Plaintiff’s argument in its notice is improper
5 under Local Rule 7-3(d)(2).

6 Moreover, not only is the case not binding authority, the decision does not even directly
7 address the issues and arguments raised by Pacific in the current Motion to Dismiss pending before
8 this Court. In particular, *Rosado* does not involve application of California law under *Kashmiri v.*
9 *Regents of Univ. of Cal.*, 156 Cal. App. 4th 809 (2007), nor does it involve a financial agreement
10 specifically governing a student’s tuition payment obligations. In view of at least these distinctions,
11 *Rosado* is not relevant. *See, e.g., id.* (addressing that, *inter alia*, a refund policy may have allocated
12 the risk of campus closures, but “[t]hese matters have not been adequately briefed by the parties”).

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14 DATED: November 12, 2020

Respectfully submitted,

HOLLAND & KNIGHT LLP

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17 By /s/ Vito A. Costanzo

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19 Attorneys for Defendant,
20 University of the Pacific
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